

Remarks/Arguments

This Response is considered fully responsive to the Final Office Action mailed September 3, 2008. Claims 1- 24 are pending in the application. Claims 1-4, 7, 9-12, 15, 17-20 and 23 stand rejected. Claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 stand objected to but have been deemed allowable if rewritten in independent form to incorporate the limitations of the base claim and any intervening claims. Claims 1, 7, 9, 13, 15, 17, and 23 have been amended. No new matter has been added. No claims have been added or cancelled. Reexamination and reconsideration are respectfully requested.

Claim Objections

Claims 13 and 17 were objected to because of informalities. In view of the amendments to claims 13 and 17, Applicant respectfully requests reconsideration and withdrawal of the objections to claims 13 and 17.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 7, 9-12, 15, 17-20 and 23 stand rejected under 35 U.S.C. § 102(e) as being purportedly anticipated by U.S Patent No. 5,808,995 to Nakamura ("Nakamura"). All rejections are respectfully traversed.

Amended independent claim 1 recites, *inter alia*, writing data from a first stream of data within determined bounds of a first logical zone of the plurality of logical zones for up to an end of the first logical zone. Amended independent claims 9 and 17 recite similar features.

Applicant notes that, at page 3 of the Office Action, in Footnote 1 at page 3 of the Office Action, the Office stated that "the claimed 'writing from a first stream of data within determined bounds of a first logical zone' does not require the entirety of data from a first stream of data is written exclusively within determined bounds of a first logical zone and instead reads on the writing of any portion of data from a first data stream into within determined bounds of a first logical zone." Applicant has amended independent claims 1, 9, and 17 to clarify that data is written from the first stream of data to the storage medium for up to the end of the logical zone. Support for this amendment can be found throughout the originally filed Specification, for example, at least at paragraph [0044]. Thus, according to the independent claims, data written from the first stream of data is not written outside of the first logical zone. Applicant

respectfully submits that Nakamura discloses that data is written on concentric tracks on a storage medium. Nakamura fails to disclose or suggest that data from a first stream of data is written within determined bounds of a first logical zone for up to the end of the first logical zone, as recited in the independent claims. Accordingly, Nakamura fails to anticipate any of independent claims 1, 9, or 17. Reconsideration and withdrawal of the rejection of independent claims 1, 9, and 17, and those claims depending directly or indirectly therefrom, are respectfully requested. Allowance of claims 1-24 is respectfully requested.

Allowable Subject Matter

Claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the arguments and amendments made herein, the Applicant believes that claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 are allowable in their current form. Thus, Applicant respectfully request that claims 5, 6, 8, 13, 14, 16, 21, 22 and 24 be allowed.

Conclusion

Applicant have fully responded to each and every objection and rejection in the Office action dated September 3, 2008 and believe that claims 1-24 are in a condition for allowance. Therefore, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

A petition for a two-month extension of time is submitted herewith. Applicant believes no other fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 as necessary.

If the Office believes any issues could be resolved via a telephone interview, the Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 3 February 2009

Allison Olenginski
Allison Olenginski
Registration No. 55,509
USPTO Customer No. 64776

Hensley Kim & Holzer, LLC
1660 Lincoln Street, Suite 3000
Denver, Colorado 80264
Tel: 720-377-0770
Fax: 720-377-0777